

UNITED STATES DISTRICT COURT
for the
District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUN 28 2018

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The residence is a structure that sits on the property of
7102 Ilfield Rd., SW, in Albuquerque, New Mexico,
87105

Case No.

18 mr 572

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The residence is a structure that sits on the property of 7102 Ilfield Rd., SW, in Albuquerque, New Mexico, 87105 (see Attachment A)

located in the _____ State and _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

A dark in color leather belt with a shiny buckle. The belt appears to be aged and not new (See Attachment B)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 USC 2251 (a)

Offense Description
Certain activities relating to material involving the sexual exploitation of children.

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Jose Ramon Martinez, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/28/2018



Judge's signature

City and state: Albuquerque, NM

Honorable Kirtan Khalsa, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

In the Matter of the Search of:

7102 Ilfield Rd SW, Albuquerque, NM
87105 and more fully described in
Attachment A, attached hereto.

Case No. _____

AFFIDAVIT

Your Affiant, Jose Ramon Martinez, having been duly sworn, does hereby depose and state that the following is true to the best of my information, knowledge, and belief:

Introduction

1. I am a Special Agent (SA) with the Department of Homeland Security, Homeland Security Investigations (HSI), Albuquerque, New Mexico. I have been employed as a Special Agent with HSI for approximately eleven years. I am currently assigned to the Assistant Special Agent in Charge (ASAC), Albuquerque, New Mexico. My responsibilities include investigations of violations of federal law relating to human smuggling, money laundering, child pornography and other federal crimes. In my law enforcement career, I have received training in the identification and apprehension of alien smugglers, narcotic smugglers, and money launderers.
2. This affidavit is submitted in support of an application for a search warrant for property (more fully described in Attachment A, there being probable cause to believe that located in the place described in Attachment A are items described in Attachment B), being evidence, fruits, and instrumentalities of violations of Title 18, U.S.C. § 2251(a).
3. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of Title 18, U.S.C. § 2251(a) are located in the place described in Attachment A.
4. The information contained within the affidavit is based on my training and experience, as well as information imparted to me by other law enforcement officers involved in this investigation.

Relevant Statutes

5. This investigation concerns alleged violations of 18 U.S.C. § 2251(a), relating to material involving the sexual exploitation of minors.

6. 18 U.S.C. 2251(a) prohibits, in relevant part, a person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

Definitions

7. The following terms are relevant to this affidavit in support of this application for a search warrant:
 - a. *Child Pornography*: The term “child pornography” is defined at 18 U.S.C. § 2256(8). It consists of visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct), as well as any visual depiction, the production of which involves the use of a minor engaged in sexually explicit conduct.
 - b. *Sexually Explicit Conduct*: The term “sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. *See* 18 U.S.C. § 2256(2).
 - c. *Visual Depictions*: “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. *See* 18 U.S.C. § 2256(5).
 - d. *Minor*: The term “minor” means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).
 - e. *Child Erotica*: The term “child erotica” means any material relating to minors that serves a sexual purpose for a given individual, including fantasy writings, letters, diaries, books, sexual aids, souvenirs, toys,

costumes, drawings, and images or videos of minors that are not sexually explicit.

Background

8. Homeland Security Investigations, (HSI) received information from the Bernalillo County Sheriff's Office (BCSO) regarding a Child Exploitation investigation. BCSO is currently investigating James Highfield for state violations of Criminal Sexual Contact with a minor. BCSO was initially called to the residence of Adella Gonzalez, the mother of 5 children (3 females and 2 males). Gonzalez reported inappropriate contact and abuse of her three (3) daughters by Highfield. Highfield worked at Lawrence Security with Ms. Gonzalez and offered to babysit the children while she worked at night. One of the male children disclosed to his mother that he observed Highfield kissing the youngest female child on the mouth. Further investigation revealed Highfield performed sexual acts on the youngest female child as well as both of the twin girls.
9. On October 27, 2017, BCSO Detectives conducted a search warrant at the residence of James Highfield, located at 7102 Ilfield SW in Albuquerque, New Mexico (described in Attachment A). Detectives located and seized a cellular phone described as a Black LG, K20plus, Model LG-tp260, IMEI, 355265084163377 and made in China. The phone was on Highfield's person when he was detained.

Located within the phone were several images of minor prepubescent female children engaged in sexual acts with Highfield. The children in the exploitative images were later identified as the minor children of Ms. Gonzalez. The images of the children were dated from September 22, 2017 through October 15, 2017.

10. A subsequent interview of Highfield was conducted by Detective Cosato. During the interview, Highfield admitted to committing sexual acts on three (3) of the minor children. Highfield also admitted that he had images of the three (3) minors engaged in sexual activity on his cellular phone but had deleted the images. Detective Cosato executed a search warrant on the phone in which Computer Forensics Agent Matt Pilon recovered thumbnail images of the minor children.
11. A review of images by Detective Cosato revealed an adult male engaged in sexual acts with the minors. The adult male's clothing include a dark in color belt with a shiny buckle on the waistline of a pair of adult pants.
12. Highfield is currently confined on pending state charges. On June 26, 2018, a federal grand jury returned a seven-count indictment charging violations of 18 U.S.C. §§ 2251(a) and 2260A.
13. On June 28, 2018 Detective Cosato and Special Agent Jose Ramon Martinez went to the property located at 7102 Ilfield Rd. SW., Albuquerque, New Mexico, 87105. Detective Cosato and Agent Martinez spoke with the owner of the property who identified himself as Charles Bolinger. Mr. Bolinger advised that Highfield stayed in

the barn located in the back of the property. Mr. Bolinger advised that Highfield had full and complete access to the farm when he resided there. Mr. Bolinger further advised that Highfield's property was located in the far-left corner of the barn and his property was still in that area of the barn.

14. Detective Cosato confirmed that the belt depicted in the images was not located in Highfield's property at the Metropolitan Detention Center. Your Affiant knows that belts are an article of clothing commonly used for a lengthy duration of time following purchase. Your Affiant has probable cause to believe the belt is located with Highfield's property inside the corner of the barn where he previously resided.

Interstate Nexus

15. Your Affiant believes that the element of "in or affecting interstate or foreign commerce" is satisfied for a violation of 18 U.S.C. § 2251(a), for the limited purpose of securing a search warrant.

Conclusion

16. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that there is probable cause to believe that the item further described in Attachment B, is located in the property described in Attachment A and is evidence, fruits, and instrumentalities of a violations of 18 U.S.C. § 2251(a).
17. Your Affiant, therefore, respectfully requests that the attached warrant be issued authorizing the search and seizure of the items described in Attachment B.
18. Assistant United States Attorney Sarah Mease has reviewed and approved this affidavit for the application.

I swear that this information is true and correct to the best of my knowledge.



Jose Ramon Martinez
Homeland Security Investigations

SUBSCRIBED and SWORN to before
me this 28 day of June, 2018.



The Honorable Kirtan Khalsa
United States Magistrate Judge

ATTACHMENT A

Description of location to be searched:

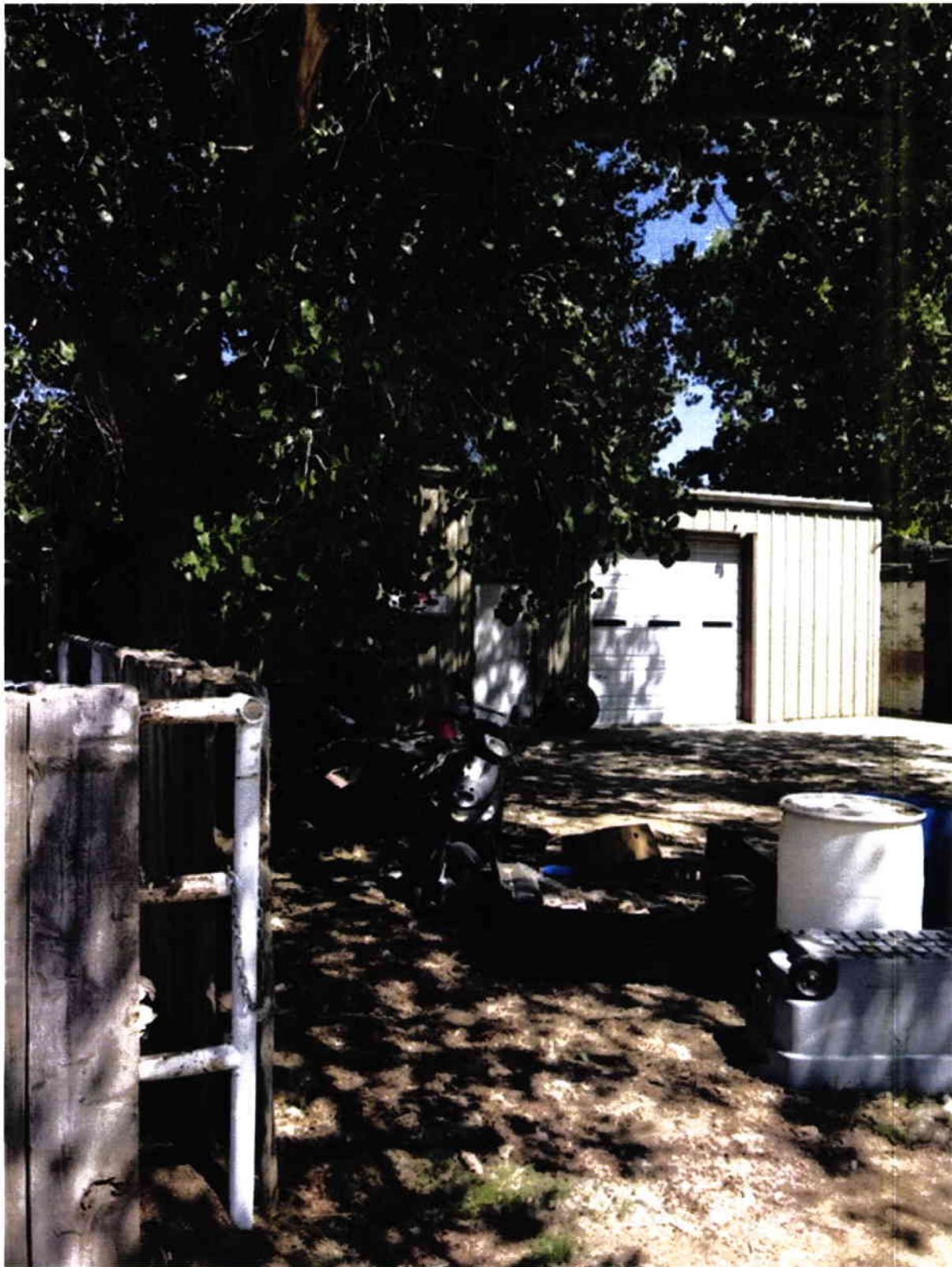
The residence is a structure that sits on the property of 7102 Ilfield Rd. SW, Albuquerque, New Mexico 87105. The residence is located on the east side of Ilfield Rd. SW. The structure is to the north east of the main residence of 7102 Ilfield Rd. SW. It resembles a garage in appearance with a large white garage door with small rectangular windows. It is white in color with pro paneling with a flat roof. There is a door that faces west that is white in color on the inside. A tree sits to the north of the front door.

Google Maps 7102 Ilfield Rd SW









ATTACHMENT B

The property for which authorization to be searched and seized:

1. A dark in color leather belt with a shiny buckle. The belt appeared aged and not new.